

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

UNITED STATES OF AMERICA, )  
 )  
v. ) Civil No. 3:22-cv-637  
 )  
APPROXIMATELY \$44,875 IN UNITED )  
STATES CURRENCY SEIZED FROM )  
Dymond Thomas ON APRIL 6, 2022, AT )  
THE CHARLOTTE-DOUGLAS )  
INTERNATIONAL AIRPORT )  
Defendant, )  
 )  
Dymond Thomas, )  
 )  
Claimant. )

**ANSWER OF PRO SE CLAIMANT TO VERIFIED COMPLAINT  
FOR FORFEITURE IN REM**

Claimant, Dymond Thomas (hereinafter "Claimant" or "Mr. Thomas"),  
hereby answers the Verified Complaint for Forfeiture *In Rem*, and answers as  
follows:

1. Is this case ~~vs~~ the currency seized or vs the living being and soul of Dymond Thomas.
2. What does me traveling during covid have to do with anything else where else was I supposed to have my reserve notes besides my bags.
3. Under what law do I need to show proof of income  
2. "House Joint Resolution 192 of 1933.
4. Under Coercion and intimidation I allowed the search.
5. How is this "money" intended to be furnished in exchange for a controlled substance? once again an assumption
- 6.



7. This court is out of its jurisdiction as this case violates my rights.
8. ✓
9. ✓
10. He has stated opinions not facts.
11. I went to LA yes, but is not every major city a drug location, Irrelevant information drugs in LA long before
12. I was born.
13. This is not how I was approached (they just told me a dog) alerted to my bag
14. Coerced by threat and manipulation
15. I didnt want it loose.
16. } Proposition 47, chief of police cant promise safety
17. } for travelers. I hid the reserve notes for my safety.
- 18.
19. Just moved there was bringing my belongings for my new apartment.
- 20.
- 21.
22. Trying to get my dog kennel started.
23. Lies said plenty of people travel like this all the time.
24. Whats illegal about buying a ticket the same day.
25. Lies stated every semester, parent plus loan
26. All fiat comes from a bank correct.

27. Not a lie
28. Not a lie
29. He ignored me and what I tried to show him while trying to make my flight.
- 30.
31. I do not have to specify my source of income under what law. The officers would not show me there ID
32. what gives them any right to know my personal information.
- 33.
- 34.
35. > Irrelevant and not Illegal
36. - statue of limitations
- 37.
38. I stated family members just to be clear.
- 39.
- 40.
- 41.
- 42.
43. All "cash" comes from a bank how is the assumption by officer that any relevance hes making en opinion because
44. I put rubber bands to keep my reserve notes neat and not loose.
45. Every major city is a known drug source location so Im not supposed to travel freely, what law states this.
46. California is expensive only could afford 2-3 day trips.



47. USC 241-242 title 10

48.

49. I stated my family was large and I recieved alot from them. Also I have my lease agreement and the officers  
50. didnt provide me cards. I knew nothing about who they  
51. were or where they were from but the wanted me to tell them everything besides my social.

52. I have never been accused of drug dealing nor trafficking  
53. also I have never dealt with drugs. Having reserve  
54. notes does not consitute as drug trafficking.

### **FIRST AFFIRMATIVE DEFENSE**

Plaintiff's Complaint fails to state claims upon which relief may be granted.

### **SECOND AFFIRMATIVE DEFENSE**

The warrantless stop, detention, and seizure of Claimant and his property was illegal and unreasonable from its inception and then illegally prolonged in violation of the Mr. Thomas' state and federal constitutional rights under the Fourth, Fifth, and Fourteen Amendments to the United States Constitution. As such, any evidence gathered illegally should be suppress or excluded including observations of Mr. Thomas, his identity, his statements, the luggage, observations of U.S. Currency, and the U.S. Currency itself.

### **THIRD AFFIRMATIVE DEFENSE**



Plaintiff's Complaint does not comply with the requirement of Supplemental Rule G to "state sufficiently detailed facts to support a reasonable belief that the government will be able to meet its burden of proof at trial." The Complaint contains no sufficient allegations concerning the facts allegedly supporting forfeiture of the defendant currency.

#### **FOURTH AFFIRMATIVE DEFENSE**

Forfeiture of the defendant currency violates the Due Process Clause of the Fifth Amendment to the United States Constitution because law enforcement officers involved in pursuing the forfeiture have a financial incentive in securing forfeiture. State and federal law enforcement agencies involved in the forfeiture may retain proceeds from the forfeiture to fund their activities. And, on information and belief, individual law enforcement officials within the relevant state and federal law enforcement agencies have an incentive to forfeit property to ensure their job security.

#### **FIFTH AFFIRMATIVE DEFENSE**

Forfeiture of the defendant currency is barred by the Appropriations Clause of Article I, Section 9 of the United States Constitution. If the forfeiture is completed, law enforcement agencies will be able to use money from the forfeiture to fund their activities absent any appropriation from Congress. But, under the



Appropriations Clause, money for government spending must be secured through congressional appropriation.

#### **SIXTH AFFIRMATIVE DEFENSE**

Forfeiture of the defendant currency is barred by the prohibition against excessive fines set forth in the Eighth Amendment to the United States Constitution.

#### **SEVENTH AFFIRMATIVE DEFENSE**

The seized property is not from any prohibited source and not subject to forfeiture.

#### **EIGHTH AFFIRMATIVE DEFENSE**

Claimant is entitled to reasonable attorney fees and costs per statute.

#### **NINTH AFFIRMATIVE DEFENSE**

Claimant reserve the right to amend.

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## CONCLUSION

WHEREFORE, Claimant hereby demands that the Court deny Plaintiff's claim for forfeiture of the defendant currency; order the defendant currency returned to Claimant; order that Plaintiff pay Claimant's attorneys' fees and costs pursuant to 28 U.S.C. § 2465(b)(1)(A); order that Plaintiff pay pre- and post-judgment interest on the defendant currency to Claimant pursuant to 28 U.S.C. §2465(b)(1)(B)–(C); and enter such additional relief as the Court deems just and proper.

Submitted, this 21 day of December, 2022.

Printed Name of Claimant: Dymond Thomas

Signature of Claimant: Dymond Thomas

Address of Claimant: 419 cedar st chambersburg PA 17201

Email of Claimant: dymondthomas 55@gmail.com

I hereby certify that a true and correct copy of the foregoing was electronically submitted this 21 day of December 2022, and mailed USPS Certified Mail - to:

J. Seth Johnson  
Assistant United States Attorney  
227 West Trade Street, Suite 1650  
Charlotte, NC 28202



I Dymond Thomas have read over the complaint and I understand the complaint officer Leal has made. After reading over this complaint multiple times I see that officer Leal is trying to steer my character to be someone I am not. He says that I lied about things in this complaint which I did not lie one time I'm surrounded by 6 officers and being asked questions on what it is I do and to show bank account transactions all because I was moving out west and brought my life savings along with me. When I was approached the officers said that there dog had alerted to my bag but in the paper work added that it was a routine stop. I have asked for that body camera footage and was told there wasn't any. I was completely targeted because of my flight history and just because I'm traveling to Los Angeles doesn't mean I'm doing any illegal activity. I've never been convicted of any sort of drug charge nor violation. My character has been violated because I was moving and have been saving my federal reserve notes " which is not real currency ""house joint resolution 192 of 1933". I told the officers I had a very large family and had been the first in the family to go off and play college ball as well as first to graduate with two degrees at that. That being said I've been receiving gifts from family since I was a kid on top of that between babysitting and shoveling snow, mowing grass and birthdays I was always one to save and try to invest. This is where sports betting came into play as you can see I sent my cousin a great sports bet to play as well as friends and we all enjoyed a nice winning my cousin winning that night decided to bless me but that wasn't my only time winning as well as playing in the casino. I am still wondering how I allowed random people "agents" to take my belongings from me with no basis they had coerced me into a search by intimidation which seeing 5-7 officers and the history behind the police force I just did what they told me to do so that I could make it home.

The basis of the search was for narcotics which I repeatedly asked the officers involved and which they agreed once they found no narcotics I believed that the search would be over. Instead they steered it towards I was money laundering words out of one the police officers mouths. I explained to them I was moving to California since they questioned my flight history, I had told them I was apartment hunting and also had teammates from college and friends out there. I also stated I was making connections and trying to build up my business which was including meeting owners to clubs and trying to host events as well as meeting dog kennel owners and learning the dog business game.

I have my lease agreement from when I lived out there after the fact but that was very short lived as we all know LA is very expensive and with them taking literally almost all my funds I could not afford to stay in California any longer so I terminated my lease after 5-7 months and moved back home. This whole time I've been waiting I really wanted to know and understand how they were able to just take my federal reserve notes " house joint resolution 192 of 1933 ". When there's no such thing as money why did I have to prove anything to random people in an airport while traveling when these officers couldn't even provide me a card with there



# Answers for Complaint

This whole complaint is narratives the detective is making based on flight history and my life savings when I was moving to the west coast. Assumptions by this officer has degraded my character as well as made me miss a lot of business opportunities. I answer to this complaint as a thank you to the detective you violating my rights has awoken me to the law as well as educated me on treaties and my constitutional rights which every government official solemnly swears to protect and uphold. With that being stated I have a list here of cases which shows that everyone who's has been keeping my property from me for 8 months has been in violation of my rights. My property was stolen from me with no purpose or cause to act on an illegally coerced search and seizure which has become a number problem for the public.

## THE LIST

- ☐ US vs Bishop 412, US 179
- ☐ Brady vs US 116 US 616
- ☐ Zeiglar vs Railroad
- ☐ Public law 7310
- ☐ Sherer vs Cullen 481 F. 945
- ☐ Marbury vs Madison, 5 US 137
- ☐ Mulger vs Kansas 1213 US 623, 659-60
- ☐ Miller vs Kansas
- ☐ Miranda vs Arizona!
- ☐ Cooper vs Aaron!
- ☐ Shuttlesworth vs Birmingham
- ☐ Boyd vs US
- ☐ Kent vs Dulles
- ☐ Hoffsomer vs Hayes
- ☐ Owen vs Independence
- ☐ US vs will
- ☐ Supremacy Clause (1-3)!!

I will finish with this I have shown proof that my family has contributed to me over the years due from summertimes working shoveling snow cutting grass on top of that birthdays , Christmas and not to mention graduation and being the first in my family to play a collegiate sport and graduate with 2 degrees. I had people tell me I was lying because I couldn't answer every thing they wanted me to while my plane was getting ready to take flight. They said I tried hiding the money in bags so



**28 U.S. Code §**

**2465 - Return of property to claimant; liability for wrongful seizure; attorney fees, costs, and interest**

**(a)** Upon the entry of a judgment for the claimant in any proceeding to condemn or forfeit property seized or arrested under any provision of Federal law—

**(1)** such property shall be returned forthwith to the claimant or his agent; and

**(2)** if it appears that there was reasonable cause for the seizure or arrest, the court shall cause a proper certificate thereof to be entered and, in such case, neither the person who made the seizure or arrest nor the prosecutor shall be liable to suit or judgment on account of such suit or prosecution, nor shall the claimant be entitled to costs, except as provided in subsection (b).

**(b)**

**(1)** Except as provided in paragraph (2), in any civil proceeding to forfeit property under any provision of Federal law in which the claimant substantially prevails, the United States shall be liable for—

**(A)** reasonable attorney fees and other litigation costs reasonably incurred by the claimant;

**(B)** post-judgment interest, as set forth in [section 1961 of this title](#); and

**(C)** in cases involving currency, other negotiable instruments, or the proceeds of an interlocutory sale—

**(i)** interest actually paid to the United States from the date of seizure or arrest of the property that resulted from the investment of the property in an interest-bearing account or instrument; and

**(ii)** an imputed amount of interest that such currency, instruments, or proceeds would have earned at the rate applicable to the 30-day Treasury Bill, for any period during which no interest was paid (not



including any period when the property reasonably was in use as evidence in an official proceeding or in conducting scientific tests for the purpose of collecting evidence), commencing 15 days after the property was seized by a Federal law enforcement agency, or was turned over to a Federal law enforcement agency by a State or local law enforcement agency.

**(2)**

**(A)**The United States shall not be required to disgorge the value of any intangible benefits nor make any other payments to the claimant not specifically authorized by this subsection.

**(B)**The provisions of paragraph (1) shall not apply if the claimant is convicted of a crime for which the interest of the claimant in the property was subject to forfeiture under a Federal criminal forfeiture law.

**(C)**If there are multiple claims to the same property, the United States shall not be liable for costs and attorneys fees associated with any such claim if the United States—

**(i)**promptly recognizes such claim;

**(ii)**promptly returns the interest of the claimant in the property to the claimant, if the property can be divided without difficulty and there are no competing claims to that portion of the property;

**(iii)**does not cause the claimant to incur additional, reasonable costs or fees; and

**(iv)**prevails in obtaining forfeiture with respect to one or more of the other claims.

**(D)**If the court enters judgment in part for the claimant and in part for the Government, the court shall reduce the award of costs and attorney fees accordingly.

(June 25, 1948, ch. 646, 62 Stat. 975; Pub. L. 106-185, § 4(a), Apr. 25, 2000, 114 Stat. 211.)

154 S.E. 579



THOMPSON.

v.

SMITH, Chief of Police.

Supreme Court of Appeals of Virginia.

Sept. 12, 1930.

USC 18 §241 - CONSPIRACY AGAINST RIGHTS: If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State in the free exercise or enjoyment of any right they shall be fined under this title or imprisoned not more than ten years, or both.

USC 18 8242 - DEPRIVATION OF RIGHTS UNDER COLOR OF LAW: Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State to the deprivation of any rights shall be fined under this title or imprisoned not more than one year, or both.

USC 18 §2071 - Concealment, etc.:

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USC 18 §2076 - CLERK IS TO FILE: Whoever, being a clerk willfully refuses or neglects to make or forward any report, certificate, statement, or document as required by law, shall be fined under this title or imprisoned not more than one year, or both.

USC 42 81983 - CIVIL ACTION FOR DEPRIVATION OF RIGHTS: Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State subjects, or causes to be subjected, any person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law.

DECOY.

To inveigle, entice, tempt, or lure; as,

to decoy a person within the jurisdiction of a court so that he may be served with process, or to decoy a fugitive criminal to a place where he may be arrested without extradition papers, or to decoy one away from his place of residence for the purpose of kidnapping him and as a part of that act.

In

all these uses, the word implies enticement or luring by means of some fraud, trick, or temptation, but excludes the idea of force. Eberling v. State,

136 Ind. 117, 35 N.E. 1023; John v. State, 44 P.

51, 6 Wyo. 203.

Also, a "decoy pond." See that title, *infra*.

DECOY LETTER.

A letter prepared and mailed

for the purpose of detecting a criminal, particularly one who is perpetrating frauds upon the postal or revenue laws.

U. S. v. Whittier, 5 Dill. 39,



Fed. Cas. No. 16,688.

DECOY POND.

A pond used for the breeding  
and maintenance of water-fowl.

Keeble v. Hick-

eringshall, 3 Salk. 10; 11 Mod. 74, 130; Holt 14;  
11 East 571.

rescrip

Boston

DECREE.

In Practice

The judgment of a court of equity or ad. miralty, answering for most purposes to the judgment of  
a court of common law.

A de-

cree in equity is a sentence or order of the court, pronounced on hearing and understanding all  
the points in issue, and determining the rights of all the parties to the suit, according to equity  
and good conscience. 2 Daniell, Ch.Pr. 986; Wooster v. Handy, C.C.N.Y., 23 F. 49, 56; Motion  
Picture Patents Co. v. Universal Film Mfg. Co., D.C., N.Y., 232 F. 263, 265; Bull v. International  
Power Co., 84 N.J.Eq. 209, 93 A. 86, 88; Alford v. Leonard, 88 Fla. 532, 102 So. 885, 890. It is  
a declaration of the court announcing the legal consequenc-